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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE TERRITORY OF GUAM

9 UNITED STATES OF AMERICA,

CRIMINAL CASE NO. 20-00021

10 Plaintiff,

11 vs.

12 RICKY JAMES JR. SALAS SANTOS,

13 Defendant.

**14**  
**UNITED STATES' RESPONSE TO  
DRAFT PRESENTENCE REPORT**

15 Comes now, the United States of America having reviewed the draft Presentence Report  
16 filed on October 1, 2021 (ECF No. 125) and files this response.

17 **Paragraph 27.** The U.S. Probation Office indicates that the base offense level under USSG  
18 § 2D1.1(a)(5)(c)(4) is 32. The United States notes that the parties agreed in the plea agreement that  
19 the Defendant's Base Offense Level is 30. (ECF No. 119, Plea Agreement, at 7).

20 USSG § 2D1.1(a)(5) states:

21 “(5) the offense level specified in the Drug Quantity Table set forth in subsection (c), except  
22 that if (A) the defendant receives an adjustment under §3B1.2 (Mitigating Role); and (B) the  
23 base offense level under subsection (c) is (i) level **32**, decrease by **2** levels...”

24  
25 **Paragraph 30.** The Government requests that the Draft Presentence Report reflect that  
26 Defendant is a minor participant pursuant to USSG § 3B1.2(b), with a decrease of two levels. (ECF  
27 No. 119, Plea Agreement, at 8).

1                   The United States adopts the remaining findings of the draft Presentence Report.  
2

Respectfully submitted this 5<sup>th</sup> day of October, 2021.

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5                   Districts of Guam and NMI

6                   By:        /s/ Rosetta San Nicolas  
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